

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** David Glenn Callaway

**Docket Number:** 1:05CR00004-01 OWW

**Offender Address:** Fresno, California

**Judicial Officer:** Honorable Oliver W. Wanger  
Senior United States District Judge  
Fresno, California

**Original Sentence Date:** 02/13/2006

**Original Offense:** 18 USC 2423(b) Travel With Intent to Engage in Illicit  
Sexual Activity  
(CLASS B FELONY)

**Original Sentence:** 36 months BOP, 60 months TSR, mandatory drug testing,  
\$100 special assessment

**Special Conditions:** 1) Search; 2) Mental health treatment; 3) Reside and  
participate in a residential CCC for a period of 12 months; 4)  
Aftercare co-payment; 5) No on-line computer access; 6) No  
contact with minors; 7) Computer inspection; 8) Pornography  
restriction

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 09/16/2008

**Assistant U.S. Attorney:** Jonathan B. Conklin **Telephone:** (559) 497-4000

**Defense Attorney:** Marc Ament **Telephone:** (559) 487-5561

**Other Court Action:** None

**RE: David Glenn Callaway**  
**Docket Number: 1:05CR00004-01 OWW**  
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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

1. The defendant shall attend and participate in a mental health treatment program, including sex offender treatment, as directed by the probation officer. The defendant shall abide by all rules, requirements, and conditions of the treatment program, to include random polygraph examinations. The cost of treatment shall be paid by the defendant in an amount to be determined by the probation officer, based on ability to pay or availability of third-party payment.
2. The defendant shall not possess, access, subscribe to, or view any videos, magazines, literature, photographs, images, drawings, video games, or Internet web sites depicting children or adults in the nude and/or engaged in sexual activity.
3. The defendant shall register as a sex offender with the appropriate federal, state, and local authorities and shall comply with all registration requirements.
4. The defendant shall not possess or use a computer with access to any on-line service at any location without the prior written approval of the probation officer. This includes an Internet service provider, any bulletin board system, or any other public or private computer network. The defendant shall not possess or use any computer for employment purposes without prior approval of the probation officer. The defendant shall consent to third-party disclosure to any employer, or potential employer, of any computer-related restrictions imposed by the Court.

**RE: David Glenn Callaway**  
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**Justification:** The offender was released from the Bureau of Prisons on September 16, 2008. Upon his release, the offender was ordered to reside and participate in a residential community corrections center, as designated for a period of 12 months. However, the offender does not qualify for participation in our community correction center, due to his sex offender status. Currently, he has been placed at the Fresno Halfway House and is awaiting relocation to the Southern District of Georgia.

Prior to his incarceration, the offender resided with his family in Georgia. He has requested transfer of supervision to the Southern District of Georgia and it has been conditionally accepted. The probation officer in that district is requesting a modification to the offender's conditions of release. He indicates their district does not have a corrections center that admits sex offenders and, therefore, condition number 3 can not be accommodated. Furthermore, the above-noted special conditions are necessary in order to supervise sex offender cases in the Southern District of Georgia.

Therefore, it is recommended the offender not be required to complete 12 months community correction center placement as previously ordered. In addition, it is recommended his conditions of supervised release be modified as noted above. These modifications are necessary in order to allow transfer of supervision to the Southern District of Georgia. The United States Attorney's office has been notified of the alternative plan and is agreeable to the proposed changes. The offender has also agreed to the modification and has signed the attached Form 49, Waiver of Hearing document.

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Respectfully submitted,

/s/ Michael W. Armistead

**MICHAEL W. ARMISTEAD**  
**Senior United States Probation Officer**  
Telephone: (559) 499-5700

**DATED:** October 23, 2008  
Fresno, California  
MWA

**REVIEWED BY:** /s/ Hubert J. Alvarez  
**HUBERT J. ALVAREZ**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

- ( X ) Modification approved as recommended.
- ( ) Modification not approved at this time. Probation Officer to contact Court.
- ( ) Other:

IT IS SO ORDERED.

**Dated:** October 27, 2008

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE